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Bush Administration Ramps Up Federal E-Disclosure Requirements

Safeguards Will Enhance Protection of Individuals' Data

Washington, D.C. – The Office of Management and Budget today directed executive branch departments and agencies to significantly raise the level of protection afforded to personal data kept and used in the course of their operations.

In a memorandum to put the privacy provisions of the E-Government Act of 2002 into effect, OMB instructed agency heads “to describe how the government handles information that individuals provide electronically, so that the American public has assurances that personal information is protected.”

Upgrading personal information protection is imperative, with millions of Americans doing business with their government electronically. These guidelines apply to information that identifies individuals in a recognizable form, including name, address, telephone number, Social Security Number, and e-mail addresses.

Agencies will be required to conduct new Privacy Impact Assessments (PIAs) before developing IT systems that contain identifiable information, or before collecting identifiable information electronically. PIAs must be updated when changes in the way an agency handles personally identifiable information create new privacy risks. Affected agencies also will be required to report on their e-privacy-related activities every year.

For their websites, agencies will be required to tell visitors:

- When it's voluntary to submit information;
- How to grant consent for agency use of voluntary personal data; and
- About their rights under the Privacy Act and other such laws.

Agency websites also will be required to disclose:

- The nature of information collected;
- The purpose and use of such information;
- Whether and to whom the such information will be shared; and
- The privacy safeguards applied to the information collected.

By December 15, 2003, agencies must develop firm plans to make their web site privacy policies “machine readable,” meaning that they automatically provide notification when the site does not cover a visitor's privacy preferences.

The memorandum can be found at <http://www.whitehouse.gov/omb/memoranda/m03-22.html>.

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